

negotiation of bills of lading, and prescribing penalties therefor, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, with the following amendment:

Amend by adding between the caption and Section 1 of the bill the following words: "Be it enacted by the Legislature of the State of Texas."

Brachfield, Chairman; Hume, Holsey, Perkins, Mayfield, Terrell of McLennan, Kauffman, Bryan.

Committee Room,

Austin, Texas, August, 29, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on State Penitentiaries, to whom was referred

Senate bill No. 10, A bill to be entitled "An Act to establish a prison system, and declaring the policy of the State with reference thereto; to provide for the management and control of such prison system; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the government and conduct of such prison system; to provide for a Board of Prison Commissioners; to provide for their appointment, and defining their powers, duties and authority; to provide for the purchase or sale of real estate by the Prison Commission; to vest title of all real estate owned by the prison system; to authorize the prison system to borrow money from the permanent school fund; to provide for the appointment of an auditor, and prescribe his duties; prescribing penalties for the violation of this act; repealing Chapters 1, 2, 3, 4, 5, 6, 7 and 8 of Title 79 of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this act; making an appropriation to carry out the provisions of this act,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass.

WEINERT, Chairman.

Committee Room,

Austin, Texas, August 29, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 4, A bill to be entitled "An Act to require persons and corporations, or receivers, engaged in repairing railroad cars or other railroad equipment, not including locomotives, to erect and maintain buildings or sheds for the protection from rain, wind or other inclement weather, employees engaged in repairing railroad cars and other railroad equipment, and providing penalties for the violation of this act, and regulating penalties and repealing Chapter 53, Acts of the Thirty-first Legislature of the State of Texas, entitled 'An Act to require all railroad companies doing business in this State to provide suitable premises and shelter for the protection from the weather of their employees while engaged in labor in the service of said railroad companies, and declaring an emergency,'"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,

Austin, Texas, August 29, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 6, A bill to be entitled "An Act to amend Articles 4549 and 4550 of Chapter 11, Title 94 of the Revised Statutes of the State of Texas, and prescribe the conditions upon which the purchaser or purchasers, and associates, if any, of the property and franchises of a railroad company may become owners of its charter, or may organize a new corporation, and governing, regulating and limiting the stock and bonds of the new corporation, and of the old corporation, after the sale of its property and franchises, and declaring an emergency."

And find the same correctly engrossed.
WARD, Chairman.

TENTH DAY.

Senate Chamber,

Austin, Texas,

Tuesday, August 30, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Real.
Harper.	Senter.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

Sturgeon. Willacy.

Prayer by Rev. V. A. Godby, pastor of the Tenth Street Methodist Church, Austin.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

(See Appendix for petitions, memorials and committee reports.)

SIMPLE RESOLUTION.

Senator Hudspeth offered the following as nominations for officers to fill vacancies occasioned by the resignation of two of the officers:

Whereas, A vacancy has occurred in the position of Assistant Doorkeeper; and,

Whereas, It is necessary that we have some one for that position; therefore, be it

Resolved, That Stuart Francis of Austin, Travis county, Texas, be selected to officiate in that position, and that he be paid the same salary as is now allotted to that position; and,

Whereas, Miss Bonna Whitaker has resigned as Assistant Enrolling Clerk; therefore, be it

Resolved, That Mr. C. A. Jay of Rusk county be selected for that position, and the same salary as heretofore paid be paid him for his service.

HUDSPETH,
BRACHFIELD,
PEELER,
WATSON.

In accordance with the above nominations, the Chair asked if there were any other nominations for Assistant Doorkeeper.

There being no other nominations, the Chair declared nominations closed, and

directed that the Senators prepare their ballots.

Senators Ward, Terrell of Wise and Perkins were appointed as tellers.

Mr. Francis received 25 votes, all the votes cast, and the Chair declared him duly and constitutionally elected as Assistant Doorkeeper.

There being no further nominations for Assistant Enrolling Clerk, the Chair declared nominations closed.

Mr. Jay received 25 votes, all the votes cast, and was declared duly and constitutionally elected Assistant Enrolling Clerk.

OATH OF OFFICE ADMINISTERED.

The Chair then administered the constitutional oath of office to Mr. Francis and Mr. Jay.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 30, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House grants the request of the Senate to return Senate bill No. 6, and herewith returns same.

Also concurs in Senate amendments to House bill No. 8 by the following vote: Yeas, 99; nays, 0.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Morning call concluded.

SENATE CONCURRENT RESOLUTION NO. 2.

On motion of Senator Watson, the pending order of business (Senate bill No. 10) was suspended, and the Senate took up, out of its order, Senate Concurrent Resolution No. 2, by the following vote:

Yeas—19.

Adams.	Murray.
Alexander.	Paulus.
Harper.	Peeler.
Hudspeth.	Perkins.
Hume.	Real.
Kauffman.	Senter.
Kellie.	Terrell of Bowie.
Meachum.	Terrell of McLennan.

Veale. Weinert.
Watson.

Nays—9.

Brachfield. Mayfield.
Bryan. Ratliff.
Cofer. Terrell of Wise.
Greer. Ward.
Holsey.

Absent.

Sturgeon. Willacy.

The Chair laid before the Senate,
Senate Concurrent Resolution No. 2:

Resolved, by the Senate, the House concurring, That the Fourth Called Session of the Thirty-first Legislature shall stand adjourned sine die at 12 o'clock noon, Saturday, September 3, 1910.

On motion of Senator Watson, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this resolution (see Appendix for committee report), by the following vote:

Yeas—20.

Adams. Paulus.
Alexander. Peeler.
Bryan. Perkins.
Harper. Real.
Hudspeth. Senter.
Hume. Terrell of Bowie.
Kauffman. Terrell of McLennan.
Kellie. Veale.
Meachum. Watson.
Murray. Weinert.

Nays—8.

Brachfield. Mayfield.
Cofer. Ratliff.
Greer. Terrell of Wise.
Holsey. Ward.

Absent.

Sturgeon. Willacy.

There being an adverse majority committee report, and a favorable minority committee report, Senator Watson moved to adopt the minority committee report.

Senator Cofer moved, as a substitute, to adopt the majority committee report.

Action recurred on the substitute first, and the same was lost by the following vote:

Yeas—8.

Brachfield. Mayfield.
Cofer. Ratliff.
Greer. Terrell of Wise.
Holsey. Ward.

Nays—20.

Adams. Paulus.
Alexander. Peeler.
Bryan. Perkins.
Harper. Real.
Hudspeth. Senter.
Hume. Terrell of Bowie.
Kauffman. Terrell of McLennan.
Kellie. Veale.
Meachum. Watson.
Murray. Weinert.

Absent.

Sturgeon. Willacy.

The minority committee report (favorable) was then adopted.

The resolution was then read and passed.

Senator Watson moved to reconsider the vote by which the resolution was passed, and lay that motion on the table.

The motion to table prevailed.

(Senator Brachfield in the chair.)

SENATE BILL NO. 11.

On motion of Senator Kauffman, the pending order of business (Senate bill No. 10) was suspended, and the Senate took up, out of its order, Senate bill No. 11, by the following vote:

Yeas—27.

Adams. Murray.
Alexander. Paulus.
Brachfield. Peeler.
Bryan. Perkins.
Cofer. Ratliff.
Greer. Real.
Harper. Senter.
Holsey. Terrell of Bowie.
Hudspeth. Terrell of Wise.
Hume. Veale.
Kauffman. Ward.
Kellie. Watson.
Mayfield. Weinert.
Meachum.

Absent.

Sturgeon. Willacy.
Terrell of McLennan.

On motion of Senator Kauffman, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—25.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Ratliff.
Harper.	Real.
Holsey.	Senter.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kauffman.	Ward.
Kellie.	Weinert.
Mayfield.	

Absent.

Sturgeon.	Watson.
Terrell of Bowie.	Willacy.
Terrell of McLennan.	

The Chair laid before the Senate, on second reading.

Senate bill No. 11, A bill to be entitled "An Act to amend an act entitled 'An Act to authorize Galveston county to build and own the combination roadway and bridge from mainland to Galveston Island across Galveston Bay, to connect, as part of the roadways of the county on the island and mainland and the county to issue bonds for same on taxation: also establishing three mile limit and condemnation proceedings, and providing for the right of way; also to authorize all corporations contracting for right of way, upon or use of said structure to issue and sell bonds therefor under the regulation and authority of the Railroad Commission; and to lease and authorize corporations and the city of Galveston to lease right of easement of user of portion of said structure from such county on terms provided by this act and agreed on with the county commissioners court, with an emergency clause,' approved March 16, 1907, being Chapter 26 of the Special Laws passed at the Regular Session of the Thirtieth Legislature, by adding thereto Sections 1a and 1b, authorizing the commissioners court of said county to issue, for the purpose mentioned in said act, bonds of the county bearing interest at a rate not exceeding 6 per cent per annum and to levy and collect an additional annual ad valorem tax to pay interest and create a sinking fund on said bonds, provided that a majority of the qualified property tax paying voters of the county voting at an election to be held for that purpose shall vote such tax, not to exceed 15 cents on the \$100 valuation of property subject to taxation in said county, and

providing for the sale of such bonds and for the cancellation or sale of bonds heretofore issued by said commissioners court under said act, and declaring an emergency."

On motion of Senator Kauffman, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Kauffman, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Senter.
Holsey.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kauffman.	Ward.
Kellie.	Weinert.
Mayfield.	

Absent.

Ratliff.	Watson.
Sturgeon.	Willacy.
Terrell of Bowie.	

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Ratliff.
Harper.	Real.
Holsey.	Senter.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Weinert.

Absent.

Sturgeon.	Watson.
Terrell of Bowie.	Willacy.

Senator Kauffman moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 10—PENITENTIARY BILL.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 10, A bill to be entitled "An Act to establish a prison system, and declaring the policy of the State with reference thereto; to provide for the management and control of such prison system; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the government and conduct of such prison system; to provide for a Board of Prison Commissioners; to provide for their appointment, and defining their powers, duties and authority; to provide for the purchase or sale of real estate by the Prison Commission; to vest title of all real estate owned by the prison system; to authorize the prison system to borrow money from the permanent school fund; to provide for the appointment of an auditor, and prescribe his duties; prescribing penalties for the violation of this act; repealing Chapters 1, 2, 3, 4, 5, 6, 7 and 8 of Title 79 of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this act; making an appropriation to carry out the provisions of this act,"

(Lieutenant Governor Davidson in the chair.)

Senator Harper moved that the Senate be at ease subject to the call of the Chair.

At 11 o'clock the Senate was called to order.

Action recurred on Senate bill No. 10, the question being on the engrossment.

IN COMMITTEE OF THE WHOLE SENATE.

Senator Weinert moved that the Senate resolve itself into a Committee of the Whole for the purpose of considering Senate bill No. 10.

The motion prevailed and the Senate resolved itself into a Committee of the Whole Senate.

IN THE SENATE.

At 12:30 o'clock the Committee of the Whole arose and resolved itself into a session of the Senate.

RECESS.

On motion of Senator Weinert, the Senate recessed until 2:30 o'clock today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

SIMPLE RESOLUTION.

By Senator Cofer:

Resolved, That Senator-elect Lattimore, now in the Capitol, be extended the privilege of the floor of the Senate.

COFER.

MAYFIELD.

The resolution was read and adopted.

EXCUSED.

For non-attendance on account of important business:

Senator Real, for Saturday and yesterday, on motion of Senator Alexander.

IN COMMITTEE OF THE WHOLE.

Senator Weinert moved that the Senate resolve itself into a Committee of the Whole for the purpose of considering Senate bill No. 10.

IN THE SENATE.

(Lieutenant Governor Davidson presiding.)

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 30, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

Senate bill No. 7, A bill to be entitled "An Act providing conditions, additional to those now imposed by law, upon which insurance companies issuing policies of fire, marine or fire and marine insurance on property in this State shall transact business in this State; to create a State Fire Rating Board, provide for

their appointment and fix their powers and compensation; to authorize said board to pass such rules and regulations as are necessary to fix reasonable rates of premiums of fire insurance on property located in this State; to authorize said board to employ such clerical force and other assistance as may be necessary in carrying on the business of the office of said board; providing an appropriation for the payment of the expenses of such clerical force and other necessary expenses and the salaries of said board; to authorize said companies to file rates of premiums and commissions to agents with said board and with the agents of said companies, and to keep open for public inspection all such schedules or rates of fire insurance; to authorize the revocation of the license of insurance companies to do business in this State for violation of the orders of said board; to require all persons having to give evidence with reference to the violation of said act, or the orders of said board and to make mutual fire insurance companies limit their business to the county in which their home office is situated, except where a bond is filed with the Department of Insurance, and declaring the violations of its provisions a misdemeanor, and providing a penalty; to provide for the repeal of all laws in conflict herewith, and declaring an emergency," with amendments.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

SENATE BILL NO. 7—FREE CONFERENCE COMMITTEE ON.

Senator Brachfield called up Senate bill No. 7, the insurance bill, with the following House amendments:

(1)

Amend Senate bill No. 7 by striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. Every fire insurance company, every marine insurance company, every fire and marine insurance company, every fire and tornado insurance company, and each and every insurance company of every kind and name, issuing a contract or policy of insurance, or contracts or policies of insurance against loss by fire on property within this State, whether such property be fixed or movable, stationary or in tran-

sit, or whether such property is consigned or billed for shipment within or beyond the boundary of this State or to some foreign country, whether such company is organized under the laws of this State or under the laws of any other State, Territory or possession of the United States, or foreign country, or by authority of the Federal government, now holding a certificate of authority to transact business in this State, or hereafter granted authority to transact business in this State, shall be deemed to have accepted such certificate and to transact business thereunder, upon condition that it consents to the terms and provisions of this act and that it agrees to transact business in this State subject thereto; it being intended that every contract or policy of insurance against the hazard of fire shall be issued in accordance with the terms and provisions of this act, and the company issuing the same governed thereby, regardless of the kind and character of such property and whether the same is fixed or movable, stationary or in transit, including the shore end of all marine risks insured against loss by fire.

Sec. 2. That there may be reasonable and just insurance rates in Texas, there is hereby created a board to be known as the "State Insurance Board," which shall be composed of the Commissioner of Insurance and Banking, who shall be chairman thereof, and two members, who shall be appointed by the Governor by and with the consent of the Senate; the members of said board other than the Commissioner of Insurance and Banking, shall be appointed as herein provided, within ten days after this act takes effect; one of said members to be so appointed shall be appointed for a term ending August 1, 1911, and biennially thereafter; the other of said members of said board shall be appointed for a term ending August 1, 1912, and biennially thereafter, and the Governor in making his first appointments to fill these respective offices shall designate which of said officers shall fill the term expiring August 1, 1911, and which of said officers shall fill the term expiring August 1, 1912. The Commissioner of Insurance and Banking, for the purpose of this act, may be referred to as the Commissioner of Insurance.

Sec. 3. The members of said board other than the Commissioner of Insurance and Banking, shall each receive as compensation for their services the sum

of \$2500 per annum; and the Commissioner of Insurance and Banking shall receive as compensation or salary for his services under this act the sum of \$500 per annum, in addition to his compensation as now fixed by law. Such salaries of the said two appointed members of said board and the said \$500 salary of the Commissioner of Insurance and Banking, together with the necessary compensation of experts, the clerical force, and other persons employed by said board, and all necessary traveling expenses, and such other expenses as may be necessary, incurred in carrying out the provisions of this act, shall be paid by warrant drawn by the Comptroller upon the State Treasurer upon the order of said board; provided, that the total amount of all salaries and said other expenses shall not exceed the sum of \$25,000 annually; and for the purpose of carrying out the provisions of this act there is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of \$25,000, or so much thereof as may be necessary, for the fiscal year beginning September 1, 1910, and ending August 31, 1911.

Sec. 4. The State Insurance Board shall have the power and authority and it shall be its duty to prescribe, fix, control and regulate rates of fire insurance, as provided in this act. It shall make and prescribe general basis schedules, together with rules and regulations for determining specific rates therefrom and furnish each insurance company now doing business in this State, or which may hereafter be granted a certificate of authority to do business in this State, a copy of such general basis schedules; and the said board shall also have authority to alter or amend such general basis schedules in accordance with the provisions of this act. Said board shall also supervise, control and regulate rates of insurance, and shall have authority to alter and revise and to raise and lower such rates, and to alter and revise, raise and lower such general basis schedules or any part thereof, and decide all questions required, authorized or permitted to be passed upon by said board, under the provisions of this act. Said board shall also have authority to employ clerical help, experts, inspectors and such other assistants, and to incur such other expenses as may be necessary in carrying out the provisions of this act not to exceed the sum of \$25,000 per

annum, including salaries of the members of the board and all other expenses, to be paid out of the State Treasury.

It shall be the duty of said board to ascertain, as soon as practicable, the annual fire loss of this State; to obtain, make and maintain a record thereof and collect such data and information with respect thereto as will enable said board to classify the fire losses of this State, the causes thereof and the amount of premiums collected therefor for each class of risks and the amount paid thereon, in such manner as will be of assistance in determining equitable insurance rates, methods of reducing such fire losses and reducing the insurance rates of the State.

Sec. 5. For the purpose of facilitating the work of said board, one of the appointed members thereof shall be selected by the board as its secretary, who shall perform the duties which shall appertain to that position, and whose official title shall be "Secretary of the State Insurance Board;" the other of said appointed members thereof shall be selected by said board as Fire Marshal of the State Insurance Board, and his official title shall be "Fire Marshal of the State Insurance Board;" but the said members so selected as Secretary and Fire Marshal, as aforesaid, shall receive no compensation for filling their respective positions other than their salaries as members of the State Insurance Board, and shall perform the duties of these respective positions at the will of the board, but their expenses incurred in performing the duties of these respective positions shall be paid as provided in this act.

Sec. 6. It shall be the duty of the Fire Marshal of the State Insurance Board, who, for the purpose of this act, may be referred to as the State Fire Marshal; at the discretion of the board, and upon the request of the mayor of any city or village, or the chief of a fire department of any city or village, or any village fire marshal, where a fire occurs within such city or village, or of a county or district judge, or of the sheriff or county attorney of any county, where a fire occurs within the district or county of the officer making such request, or of any fire insurance company, or its general, State or special agent, interested in a loss, or of a policyholder sustaining a loss, or upon the direction of the State Insurance Board, to forthwith investigate at the place of such

fire the origin, cause and circumstances of any fire occurring within this State whereby property has been destroyed or damaged, and shall ascertain, if possible, whether the same was a result of an accident, carelessness or design, and shall make a written report thereof to the State Insurance Board, and shall also furnish, in writing, to the county or district attorney of the county in which such fire occurred, all the information and evidence obtained by him, including a copy of all pertinent testimony taken in the case.

Sec. 7. The State Fire Marshal shall have power to administer oaths, take testimony, compel the testimony, compel the attendance of witnesses and the production of documents and to enter at any reasonable time, any buildings or premises where a fire has occurred or is in progress, or any place contiguous thereto for the purpose of investigating the cause, origin and circumstances of such fire. And he may enter and examine at any reasonable time any building, structure or place for the purpose of ascertaining the fire hazard and may remove or require the owner or occupant to remove or safely store combustible material, dangerously exposed or improperly placed therein, and to remove any unnecessary exposure to fire hazard found therein; the said State Fire Marshal is hereby authorized, when necessary, to apply to a court of competent jurisdiction for the necessary writs or orders to enforce the provisions of this section, and in such case he shall not be required to give bond.

Sec. 8. The State Insurance Board shall have authority, and it shall be its duty to appoint a deputy fire marshal of the State Insurance Board for every town or village in this State whether incorporated or unincorporated, with or without salary, unless such town or village already has a fire marshal; provided, that the expenses and salary of such deputy fire marshal of the State Insurance Board shall be paid by such town, city or village or the inhabitants thereof and not by the State; and such deputy fire marshal of the State Insurance Board so appointed may be known as the Fire Marshal of such town, city or village; and such deputy fire marshal of the State Insurance Board when so appointed shall perform such duties and have such powers and authorities as may be conferred upon him by the State Insurance Board, not inconsistent with

law, and shall at all times act in accordance with the orders and directions of the State Insurance Board.

Sec. 9. If for any reason the State Fire Marshal is unable to make any required investigation in person he may designate the fire marshal of such city or town, or some other suitable person to act for him; and such person so designated shall have the same authority as is herein given the State Fire Marshal with reference to the particular matter to be investigated by him, and shall receive such compensation for his services as may be allowed by the State Insurance Board. If the investigation of a fire is made at the request of an insurance company or at the request of a policyholder sustaining loss, or at the request of the mayor, town clerk or chief of the fire department of any city, village or town in which the fire occurred, then the expense of such investigation, including the traveling and other expenses of the Fire Marshal, clerical expenses, witnesses and officers' fees, incident and necessary to such investigation shall be paid by such insurance company, or such policyholder, or such city or town as the case may be, otherwise the expenses of such investigation are to be paid as part of the expenses of the State Insurance Board. Provided, the party or parties, company or companies requesting such investigation shall before such investigation is commenced deposit with the State Insurance Board an amount of money in the judgment of said board sufficient to defray the expenses of said Fire Marshal in conducting such investigation.

Sec. 10. No action taken by the State Fire Marshal shall affect the rights of any policyholder or any company in respect to a loss by reason of any fire so investigated; nor shall the result of any such investigation be given in evidence upon the trial of any civil action upon such policy, nor shall any statement made by any insurance company, its officers, agents or adjusters, nor by any policyholder or anyone representing him, made with reference to the origin, cause or supposed origin or cause, of a fire to the Fire Marshal or to any one acting for him or under his directions, be admitted in evidence or made the basis for any action for civil damages.

Sec. 11. The said board is authorized and empowered to require sworn statements from any insurance company affected by this act and from any of its officers, directors, representatives, gen-

eral agents, State agents, special agents and local agents of the rates and premiums collected for the fire insurance, on each class of risks, on all property in this State during any or all years for the five years next preceding the first day of January, 1910, and of the causes of fires, if such be known, if they are in possession of such data and information, or can obtain it at a reasonable expense; and said board is empowered to require such statements for any period after the first day of January, 1910; and said board is empowered to require such statements showing all necessary facts and information to enable said board to make, amend and maintain the general basis schedules provided for in this act, and the rules and regulations for applying same and to determine reasonable and proper specific rates and to enforce and assist in the enforcement of the provisions of this act. The said board shall also have the right, at its discretion, either personally or by some one duly authorized by it to visit the offices, whether general, local or otherwise, of any insurance company doing business in this State, and the home office of said company outside of this State, if there be such, and the office of any officers, directors, general agents, State agents, local agents or representatives of such company, and there require such company, its officers, agents or representatives to produce for inspection by said board or by its duly authorized representatives, all books, records and papers of such company or such agents and representatives; and the said board or its duly authorized agents or representatives shall have the right to examine such books, records and papers and make or cause to be made copies thereof; and shall have the right to take testimony under oath with reference thereto, and to compel the attendance of witnesses for such purpose; and any company, its officers, agents or representatives failing to make such statements and reports herein referred to and failing or refusing to permit the examination of books, papers and records as herein required when so called upon, or declining or failing to comply with any provision of this section shall be subject to the penalties provided for in Section 24 of this act.

Sec. 12. Immediately upon the taking effect of this act, or as soon thereafter as practicable, said board is empowered, and it is hereby made its duty, to prepare a system of general basis schedules, together with rules for ap-

plying the same, for determining fire insurance rates on property in this State; the said general basis schedules and the rules for applying the same to be at all times reasonable; the said board may employ and use any facts and information now in the possession of or in the records of the present State Fire Rating Board, as well as all facts obtainable from and concerning fire insurance companies transacting business in this State, showing the experience of said companies, and charges for premium on fire insurance, and generally as to the transaction of their said business during the years named in Section 11 of this act or during any other period of time, in order to devise and fix reasonable general basis schedules and rules for applying the same for determining rates. The said board in preparing such general basis schedules showing the rates on all classes of risks insurable by any company in this State, shall show all charges, credits, terms, privileges and conditions which in anywise affect such rates or the application of such rates to specific risks or the cost of insurance; provided, that such schedules and the rules for applying same shall be furnished by said board to any and all insurance companies affected by this act applying therefor; and the same shall be furnished to any citizen of this State applying therefor upon the payment of the actual cost thereof; that such general basis schedules and the rules prescribed with reference thereto shall not take effect until said board shall have entered an order or orders fixing the same and shall have given notice to all insurance companies affected by this act, authorized to transact business in this State.

Sec. 13. It is further provided that after the adoption and promulgation of the general basis schedules and the rules and regulations for applying the same, as herein provided for by the board, every insurance company writing fire insurance policies within this State shall, within a reasonable time, file with the State Insurance Board its application of said general basis schedules to the specific risks of the State, and the specific rates obtained thereby in accordance with the several provisions of this act; and, provided further, that any one or more insurance companies may employ, for the application of such general basis schedules and the making of such specific rates, the service of such experts as they may deem advisable for such purpose, but the contract or contracts of employment of such experts

shall first be submitted to the State Insurance Board for its approval; provided further, that the State Insurance Board shall have authority, and it shall be the duty of said board, personally or by its agents, to inspect and supervise the work of said experts in the application of said general basis schedules in the determination of specific rates; provided further, that said company or companies shall file with the board copies of all maps and copies of the analysis of all applications of said general basis schedules to the specific risks of this State, if required to do so by the board. And it shall be the duty of the expert or experts representing the insurance companies, or any insurance company in this State, to furnish at the date of the inspection to the owners of all risks inspected for the purpose of applying the general basis schedules provided for in this act, a copy of such inspection report, showing all defects that operate as charges to increase the insurance rate.

It is further provided that the specific rates so made by a company or companies for any city, town, village or locality, shall not take effect, and such company or companies shall not write insurance thereunder until such specific rates shall have been approved by the board; the board shall have authority to reject said specific rates so made or any part thereof, or to alter, amend, modify or change the same; or to permit such specific rates to become effective for a limited time, or any modification or change thereof for a limited time, in its discretion; provided, however, that the said board shall have authority in its discretion to permit the said company or companies to apply the said schedules of basis rates to risks other than mercantile and special hazards without having first submitted the specific rates so made to said board for approval. But such rates that the board may permit any company or companies to apply without the board's approval shall always be subject to review by the board and by the proper showing of any policyholder or holders may be reduced. It is further provided that all changes made by any company in the specific rates made by it in applying the general basis schedules shall be subject to the review of the board for its approval or disapproval, and shall be reported to the board in such manner and form as may be prescribed by the board. Provided further, that any insurance company or companies affected by this act shall have the right at any time to petition the board for an order changing or mod-

ifying the general basis schedules, or the application of the general basis schedules to the specific risks; and the board shall consider such petition as provided in this act and enter such order as the board may deem just and equitable to such company or companies, to competing companies and to the public. Provided further, also, that any company affected by this act shall have the right to apply to the board for an order permitting such company to reduce the specific rates of insurance on property within this State, and the board shall consider such application and enter such order with reference thereto as it may deem just and equitable to such company, to competing companies and to the public; but in no event shall discriminating be permitted between persons or between different classes of risks.

The board shall also have the power and authority to give each city, town, village or locality credit for each and every hazard they may reduce or entirely remove, also for all added fire fighting equipment, increased police protection or any other equipment or improvement that has a tendency to reduce the fire hazard of any such city, town, village or locality. The board shall also have the power and authority to compel any company to give any and all policyholders credit for any and all hazards that said policyholder or holders may reduce or remove. Said credit shall be in proportion to such reduction or removal of such hazard, and said company or companies shall return to such policyholder or holders such proportional part of unearned premiums charged for such hazards that may be reduced or removed.

Sec. 14. It is provided that after the approval by the board of the specific rates made by the insurance companies hereunder, that thereafter when a policy of insurance is written that the policyholder shall be furnished by the company with a copy of the analysis of his specific rate showing the items of charge and credit which determine the rate, unless such policyholder has theretofore been furnished with such analysis of his rate; it is also further provided that the general basis schedules and all specific rates and local tariffs filed in accordance with the provisions of this act shall be open to the inspection of the public, and each local agent shall have and exhibit to the public copies thereof relative to all risks upon which he is authorized to write insurance.

Sec. 15. It is further provided that

until the general basis schedules herein provided for shall have been promulgated by the board and the specific rates thereunder made by the companies and approved by the board, that the board shall designate at what rates and under what rules and regulations insurance may be written within this State, and such rates, rules and regulations so designated shall govern all companies writing contracts or policies of fire insurance under the provisions of this act.

Sec. 16. The said board shall have authority, upon reasonable notice, not exceeding thirty days, of its intention to do so, to alter, amend or revise said general basis schedules promulgated by it, or the specific rates approved or ordered by it, as herein provided, and to give reasonable notice of such alteration, amendment or revisions to the public or to any company or companies affected thereby. Such altered, amended or revised schedules or rates shall be the schedules or rates to be thereafter charged for insurance by any company in this State; provided, that the board may order changes to be made to meet unusual conditions in any particular locality, should such conditions exist or arise, by giving similar notice to the public or to any company affected thereby. Provided, the changes or amendments made to the general basis schedules shall apply only to policies of insurance written after the order of the board making such changes or amendments becomes effective. Provided further, that no policy existing prior to the taking effect of such changes or amendments to the general basis schedules shall be affected by such changes or amendments unless there shall be a change in the hazard of the risk necessitating a change in the rate applicable to such risk, in which event such policy shall be subject to the new rates applicable under the changed or amended general basis schedules.

Sec. 17. It shall be the duty of the State Insurance Board to make, promulgate and establish uniform policies of insurance applicable to the various risks of this State, copies of which uniform policies shall be furnished each company doing business in this State or which may hereafter do business in this State. That after such uniform policies shall have been established and promulgated and furnished the respective companies doing business in this State, such companies shall, within sixty days after the receipt of such forms of policies, adopt and use said form or forms and

no other; and all companies which may commence business in this State after the adoption and promulgation of such forms of policies, shall adopt and use the same and no other form of policies. The said Insurance Board shall also prescribe all standard forms, clauses and endorsements used on or in connection with insurance policies. All other forms, clauses and endorsements placed upon insurance policies shall be placed thereon subject to the disapproval of the board. Provided, no endorsement clause or rider so attached to or placed upon any such policy of insurance shall avoid or in any way affect such policy or any provision thereof until same shall have first been approved by said board. The board shall also have authority in its discretion to change, alter or amend such form or forms of policy or policies, and such clauses and endorsements used in connection therewith upon giving notice and proceeding in accordance with Section 19 of this act.

Sec. 18. It is provided that any citizen or number of citizens of this State, or any policyholder or policyholders, or any insurance company affected by this act, or any board of trade, chamber of commerce or other civic organization, or the civil authorities of any town, city or village, shall have the right to file a petition with the Insurance Board setting forth any cause of complaint that they may have as to any order made by this board, or any schedule promulgated by this board, or as to any specific rate approved by this board, and that they shall have the right to offer evidence in support of the allegations of such petition by witnesses, or by depositions or by affidavits; that upon the filing of such petition the party complained of, if other than the board, shall be notified by the board of the filing of such petition and a copy thereof furnished the party or parties, company or companies, of whom complaint is made, and the said petition shall be set down for a hearing at a time not exceeding thirty days after the filing of such petition, and the board shall hear and determine said petition; but it shall not be necessary for the petitioners or any one for them to be present to present the cause to the board, but they shall consider the testimony of all witnesses, whether such witnesses testify in person, or by deposition, or by affidavits, and if it be found that the complaint made in such petition is a just one, then the matters

complained of shall be corrected or required to be corrected by said board.

Sec. 19. The State Insurance Board shall give the public and all insurance companies to be affected by its orders or decisions, reasonable notice thereof, not exceeding thirty days, and an opportunity to appear and be heard with respect to the same; which notice to the public shall be published in one or more daily papers of the State and such notice to the insurance company or companies to be affected thereby shall be by letter deposited in the postoffice, addressed to the State or general agent of such company or companies, if the address of such State or general agent be known to the board, or, if not known, then such letter shall be addressed to some local agent of such company or companies, or, if the address of a local agent be unknown to the board, then by publication in one or more of the daily papers of the State, and the board shall hear all protests or complaints from any insurance company or any citizen, or any city, town or village, or any commercial or civic organization as to the inadequacy or unreasonableness of any rates fixed by it or approved by it, or as to the inadequacy or unreasonableness of any general basis schedules promulgated by it or the injustice of any order or decision by it; and if any insurance company, or other person, or commercial or civic organization, or any city, town or village, which shall be interested in any such order or decision, shall be dissatisfied with any regulation, schedule or rate adopted by such board, such company or person, commercial or civic organization, city, town or village shall have the right, within thirty days after the making of such regulation or order, or rate, or schedule, to bring an action against said board in the district court of Travis county to have such regulation, or order, or schedule, or rate vacated or modified; and shall set forth in a petition therefor the principal ground or grounds of objection to any or all of such regulations, schedules, rates or orders; in any such suit, the issue shall be formed and the controversy tried and determined as in other civil cases, and the court may set aside and vacate or annul any one or more or any part of any of the regulations, schedules, orders or rates promulgated or adopted by said board, which shall be found by the court to be unreasonable, unjust, excessive or inade-

quate, without disturbing others. No injunction, interlocutory order or decree suspending or restraining directly or indirectly the enforcement of any schedule, rate, order or regulation of said board shall be granted.

Provided, that in such suit the court, by interlocutory order, may authorize the writing and acceptance of fire insurance policies at any rate which in the judgment of the court is fair and reasonable during the pending of such suit, upon condition that the party to such suit in whose favor the said interlocutory order of said court may be, shall execute and file with the Commissioner of Insurance and Banking a good and sufficient bond to be first approved by said court, conditioned that the party giving said bond will abide the final judgment of said court and will pay to Commissioner of Insurance and Banking whatever difference in the rate of insurance it may be finally determined to exist between the rate as fixed by said board complained of in such suit, and the rate finally determined to be fair and reasonable by the courts in said suit; and the said Commissioner of Insurance and Banking, when he receives such difference in money, shall transmit the same to the parties entitled thereto.

Whenever any action shall be brought by any company under the provisions of this section within said period of thirty days, no penalties nor forfeitures shall attach or accrue on account of the failure of the plaintiff to comply with the orders, schedules, rates or regulations sought to be vacated or modified in such action until the final determination of the same.

Either party to any such action, if dissatisfied with the judgment or decree of said court, may appeal therefrom as in other civil cases. No action shall be brought in any court of the United States to set aside any orders, rates, schedules or regulations made by said board under the provisions of this act until all the remedies provided herein shall have been exhausted by the party complaining.

If any insurance company affected by the provisions of this act shall violate any of the provisions of this section, the Commissioner of Insurance shall, by and with the consent of the Attorney General, cancel its certificate of authority to transact business in this State.

Sec. 20. No company shall engage or

participate in the insuring or reinsuring of any property in this State against loss or damage by fire, except in compliance with the provisions of this act; nor shall any such company knowingly write insurance at any rate from the rates provided for in this act, or refund, or remit, in any manner, or by any device, any portion of the rates so established, or extend to any insured or other person any privilege, advantage, favor or inducement except such as is specified in the general basis schedule prepared and established by said board; and pending the fixing and establishment of said schedules and rates by said board no such company shall refund or remit in any manner or by any device any portion of the rates promulgated by the board under this act, or extend to any insured or other person any privileges, advantages, favors or inducement not authorized by the orders of the board under this act.

It shall be unlawful for any insurance company authorized under the terms of this act to transact business in this State to directly or indirectly, by any special rate, tariff, rebate, drawback or other device, charge, demand, collect or receive from any person or persons a greater or less or different compensation for the insuring of any property in this State than it charges, demands, collects or receives from any other person or persons for like insurance on risks of like kind and hazard under similar circumstances and conditions; nor shall any company, or its officers, directors, general agents, State agents, special agents, local agents, or its representatives, grant or contract for any special favor or advantage in the dividends or other profits to accrue thereon, or in commissions or division of commissions, or any position, or any valuable consideration, or any inducement not specified in the policy contract of insurance; nor shall such company give, sell or purchase, offer to give, sell or purchase, directly or indirectly, as an inducement to insure or in connection therewith, any stocks, bonds or other securities of any insurance company or other corporation, partnership or individual, or any dividends or profits accrued or to accrue thereon or anything of value whatsoever not specified in the policy; but nothing in this section or in this act shall be construed to prohibit the company from sharing its profits with its policyholders; provided, that such agreement as to profit-sharing shall be placed on or in the face of the pol-

icy, and such profit-sharing shall be uniform and shall not discriminate between individuals or between classes; provided, however, that no part of the profit shall be paid until the expiration of the policy.

Any company, or any of its officers, directors, general agents, State agents, special agents, local agents or its representatives, doing any of the acts in this section prohibited, shall be deemed guilty of unjust discrimination; provided, the board, for good cause shown, may allow risks of like kind and hazard situated in any locality to be written temporarily at a different rate from such risks similarly situated in other localities without subjecting the company so writing to the penalties hereinafter prescribed for discrimination.

Provided, however, that if any agent or company shall issue a policy without authority, and any policyholder holding such policy shall sustain a loss or damage thereunder, said company or companies shall be liable to the policyholder thereunder, in the same manner and to the same extent as if said company had been authorized to issue said policy, although the company issued said policy in violation of the provisions of this act. But this shall not be construed to give any company the right to issue any contract or policy of insurance other than as provided in this act.

Sec. 21. No person shall knowingly receive or accept from any insurance company or from any of its agents, sub-agents, brokers, solicitors, employes, intermediaries or representatives, or any other person, any rebate of premium payable on the policy, or any special favor or advantage in the dividends or other financial profits accrued or to accrue thereon or any valuable consideration, position or inducement not specified in the policy of insurance, and any person so doing shall be guilty of a violation of the provisions of this section, and shall be punished by a fine of not exceeding one hundred dollars, or by imprisonment in the county jail for not exceeding ninety days, or by both such fine and imprisonment.

Sec. 22. The provisions of this law shall not deal with the collection of premiums, but each company shall be permitted to make such rules and regulations as it may deem just between the company, its agents and its policyholders; and no bona fide extension of credit shall be construed as a discrimination, or in violation of the provisions of this act.

Sec. 23. The Commissioner of Insurance, upon ascertaining that any insurance company or officer, agent or representative thereof, has violated any of the provisions of this act, may, at his discretion, and with the consent and approval of the Attorney General, revoke the certificate of authority of such company, officer, agent or representative; but such revocation of any certificate shall in no manner affect the liability of such company, officer, agent or representative to the infliction of any other penalty provided by this act, and provided that any action, decision or determination of the Commissioner of Insurance and Banking and the Attorney General in such cases shall be subject to the review of the courts of this State as herein provided.

Sec. 24. Any insurance company affected by this act, or any officer or director thereof, or any agent or person acting for or employed by any insurance company, who, alone or in conjunction with any corporation, company or person, who shall willfully do or cause to be done, or shall willfully suffer or permit to be done, any act, matter or thing prohibited or declared to be unlawful by this act, or who shall willfully omit or fail to do any act, matter or thing required to be done by this act, or shall cause or willfully suffer or permit any act, matter or thing directed by this act not to be done, or who shall be guilty of any willful infraction of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than three hundred dollars nor more than one thousand dollars for each offense; provided, that if the offense for which any person shall be convicted, as aforesaid shall be an unlawful discrimination, such person shall be punished by a fine not less than three hundred dollars, nor more than one thousand dollars or by imprisonment in the county jail for a period not exceeding ninety days, or by both such fine and imprisonment for each offense; provided, that the punishment of imprisonment shall not apply to artificial persons; provided, however, that the obeying of any order of said board shall not be construed to be a discrimination, and a company, officer, director, agent or employee thereof shall not be guilty of discrimination for obeying any order of said board.

Sec. 25. No person shall be excused from giving testimony or producing evidence when legally called upon to do so at the trial of any other person or com-

pany charged with violating any of the provisions of this act on the ground that it may incriminate him under the laws of this State; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may testify or produce evidence under this act, except for perjury in so testifying.

Sec. 26. This act shall not apply to purely mutual or to purely profit-sharing fire insurance companies incorporated or unincorporated under the laws of this State and carried on by the members thereof solely for the protection of their property and not for profit; nor to purely co-operative, interinsurance and reciprocal exchanges carried on by the members thereof solely for the protection of their property and not for profit.

Sec. 26a. This act shall go into effect and become operative from and after the first day of September, 1910, and not before.

Sec. 27. Chapter 18 of the General Laws of the Thirty-first Legislature, passed by its First Called Session and approved April 19, 1909, entitled "An Act providing the conditions upon which fire insurance companies shall transact business in this State; and providing for the regulation and control of rates of premiums on fire insurance, and to prevent discrimination therein; and to create a Fire Insurance Rating Board; and to provide penalties for violation of this act, and declaring an emergency," and all other laws and parts of laws in conflict with this act are hereby repealed.

Sec. 28. The fact that there is now no sufficient law in this State prohibiting unjust discriminations in the collection of fire insurance rates as between citizens of this State; nor protecting citizens in securing reasonable rates, constitutes an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

(2)

Amend Senate bill No. 7 by striking out all before the enacting clause and inserting in lieu thereof the following:

A bill to be entitled "An Act providing conditions upon which insurance companies writing contracts or policies of insurance against the hazard of fire

may transact business in the State of Texas, and providing for the making, promulgation, regulation and control of general basis schedules, rates and premiums, and forms and policies; and to prevent discrimination therein, and to create a State Insurance Board and prescribing the duties and authority of said board and each member thereof, and fixing the salaries of the members thereof; providing certain duties for, and giving certain authority to the Commissioner of Insurance and Banking; appropriating money necessary to carry out the provisions of this act; and providing penalties for violations of this act, and repealing Chapter 18 of the General Laws of the State of Texas, passed by the First Called Session of the Thirty-first Legislature, and all other laws and parts of laws in conflict therewith, and declaring an emergency."

(3)

Amend committee amendment to Senate bill No. 7, Section 7, page 14, by striking out all of Section 7, after the word "fire," in line 15.

Senator Brachfield moved that the Senate do not concur in the House amendments, and request a Free Conference Committee.

The motion prevailed and the Chair (Lieutenant Governor Davidson) appointed the following Free Conference Committee:

Senators Hudspeth, Alexander, Brachfield, Weinert and Terrell of Bowie.

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 30, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

Senate bill No. 4, A bill to be entitled "An Act to require persons and corporations, or receivers, engaged in repairing railroad cars or other railroad equipment, not including locomotives, to erect and maintain buildings for the protection from rain, wind or other inclement weather, employes engaged in repairing railroad cars or other railroad equipment, and providing penalties for the violation of this act, and regulating penalties, and repealing Chapter 53, Acts

of the Thirty-first Legislature of the State of Texas, entitled 'An Act to require all railroad companies doing business in this State to provide suitable premises and shelter for the protection from the weather of their employes while engaged in labor in the service of said railroad companies, and declaring an emergency,' with amendments.

Also grants the request of the Senate for a Free Conference Committee on Senate bill No. 7, and the following has been appointed on the part of the House: Messrs. Vaughan, Looney, Crawford, Stratton and Cureton.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

SENATE BILL NO. 6.

Senator Brachfield called up Senate bill No. 6, which was finally passed by the Senate on Saturday, August 27, and the vote by which the bill was passed was spread on the Journal, and moved to reconsider the vote by which the bill was finally passed.

The motion to reconsider prevailed by the following vote:

Yeas—25.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Brvan.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Harper.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	

Nays—3.

Holsey.	Terrell of Bowie.
Perkins.	

Absent.

Sturgeon.	Willacy.
-----------	----------

The Chair laid before the Senate, on third reading,

Senate bill No. 6, A bill to be entitled "An Act to amend Articles 4549 and 4550 of Chapter 11, Title 94, of the Revised Statutes of the State of Texas, and prescribe the conditions upon which the purchaser or purchasers, and associates, if any, of the property and fran-

chises of a railroad company may become owners of its charter, or may organize a new corporation, and governing, regulating and limiting the stocks and bonds of the new corporation, and of the old corporation, after the sale of its property and franchises, and declaring an emergency."

Senator Brachfield offered the following amendment:

Amend Section 1, Senate bill No. 6, by striking out the following words in Article 4549, to-wit:

"Unless the purchaser or purchasers, and associates, if any, shall agree to take and hold said property and franchises, charged with and subject to the payment of all subsisting liabilities and claims, for death and for personal injuries sustained in the operation of the railroad, by the company and by any receiver thereof, and for loss of, and damages to property, sustained in the operation of the railroad by the company and by any receiver thereof, and for the current expenses of such operation, including labor, supplies and repairs, such agreement to be evidenced by an instrument in writing, signed and acknowledged by said purchaser or purchasers, and associates, if any, and filed in the office of the Secretary of State of the State of Texas"; and by inserting in lieu thereof the following words, to-wit:

"Unless the purchaser or purchasers, and associates, if any, shall agree to take and hold said property and franchises, charged with and subject to the payment of, all subsisting liabilities and claims for death and for personal injuries, sustained in the operation of the railroad by the company, and by any receiver thereof, and for loss of and damage to property sustained in the operation of the railroad by the company and by any receiver thereof, and for the current expenses of such operation, including labor, supplies and repairs; provided, that all such subsisting claims and liabilities shall have accrued within two years prior to the beginning of the receivership resulting in the sale of said property and franchises, or within two years prior to the sale, if said property and franchises be sold otherwise than under receivership proceedings, unless suit was pending on such claims and liabilities when the receiver was appointed or when the sale was made, in which event claims and liabilities on which suits were so pending shall be protected hereby as though accruing within the two

years: such agreement to be evidenced by an instrument in writing, signed and acknowledged by said purchaser or purchasers, and associates, if any, and filed in the office of the Secretary of State of the State of Texas"; and by striking out the following words in Article 4550, to-wit:

"Provided that, notwithstanding such incorporation, the property and franchises so purchased shall be charged with and subject to the payment of all subsisting liabilities and claims for death and personal injuries sustained in the operation of the railroad by the sold-out company and by any receiver thereof, and for loss of and damages to property, sustained in the operation of the railroad by the sold-out company and by any receiver thereof, and for the current expenses of such operation, including labor, supplies and repairs; and provided, that by such purchase and organization no right shall be acquired in conflict with the present Constitution and laws in any respect." and by inserting in lieu thereof the following words, to-wit:

"Provided, that, notwithstanding such incorporation, the property and franchises so purchased shall be charged with and subject to the payment of all subsisting liabilities and claims for death and personal injuries, sustained in the operation of the railroad, by the sold-out company and by any receiver thereof, and for loss of and damage to property, sustained in the operation of the railroad, by the sold-out company and by any receiver thereof, and for the current expenses of such operation, including labor, supplies and repairs; provided, that all such subsisting claims and liabilities shall have accrued within two years prior to the beginning of the receivership resulting in the sale of such property and franchises, or within two years prior to the sale, if said property and franchises be sold otherwise than under receivership proceedings, unless suit was pending on such claims and liabilities when the receiver was appointed or when the sale was made, in which event claims and liabilities on which suits were so pending shall be protected hereby as though accruing within the two years; and provided, that by such purchase and organization no right shall be acquired in conflict with the present Constitution and laws, in any respect."

(Senator Weinert in the chair.)

Pending discussion on the above amendment, Senator Mayfield moved

that further consideration of the bill be postponed until tomorrow morning at 10 o'clock.

Senator Watson moved, as a substitute, that further consideration of the bill be postponed until next Thursday at 2 o'clock.

The substitute motion was lost by the following vote:

Yeas—6.

Adams.	Paulus.
Hudspeth.	Senter.
Hume.	Watson.

Nays—21.

Alexander.	Murray.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Real.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Kauffman.	Veale.
Kellie.	Ward.
Mayfield.	Weinert.
Meachum.	

Absent.

Sturgeon.	Willacy.
Terrell of Wise.	

Action recurred on the motion to postpone until tomorrow morning, and the same was lost by the following vote:

Yeas—9.

Adams.	Mayfield.
Cofer.	Real.
Greer.	Senter.
Holsey.	Terrell of Bowie.
Hudspeth.	

Nays—19.

Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Harper.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Veale.
Kellie.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	

Absent.

Sturgeon.	Willacy.
-----------	----------

(Lieutenant Governor Davidson in the chair.)

Action recurred on the amendment by Senator Brachfield, and the same was adopted by the following vote (a two-thirds vote being necessary):

Yeas—22.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Ratliff.
Bryan.	Real.
Greer.	Senter.
Harper.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Hume.	Veale.
Kellie.	Ward.
Meachum.	Watson.
Murray.	Weinert.

Nays—5.

Cofer.	Perkins.
Holsey.	Terrell of Bowie.
Kauffman.	

Present—Not Voting.

Mayfield.

Absent.

Sturgeon.	Willacy.
-----------	----------

REASONS FOR VOTING.

I vote against this amendment because, in my judgment, the amendment will make the bill unconstitutional.

TERRELL of Bowie.

I asked to be marked present and not voting on the amendment sent up by the Senator from Rusk for the reason that it is a very lengthy amendment, covering two pages of typewritten matter, and has not been before the Senate for free and open discussion. This amendment being one of vast importance, I moved that the same be postponed for consideration until the following morning at 10 o'clock, and the same be printed in the Journal, so that in the meantime we could have an opportunity to read the amendment and see what its effect would be; but there seemed to be a disposition on the part of the Senate to rush the amendment through, and, not having read the amendment or had an opportunity to do so, and not knowing what it contains, I am not in position to know what I am voting on, and, therefore, desire to be marked present and not voting.

MAYFIELD.

The bill was read third time, and passed by the following vote:

Yeas—23.

Alexander.	Bryan.
Brachfield.	Cofer.

Greer.	Perkins.
Harper.	Ratliff.
Holsey.	Real.
Kauffman.	Terrell of Bowie.
Kellie.	Terrell of McLennan.
Mayfield.	Terrell of Wise.
Meachum.	Veale.
Murray.	Ward.
Paulus.	Weinert.
Peeler.	

Nays—5.

Adams.	Senter.
Hudspeth.	Watson.
Hume.	

Absent.

Sturgeon.	Willacy.
-----------	----------

Senator Brachfield moved to reconsider the vote by which the bill was passed, and lay that motion on the table. The motion to table prevailed.

SIMPLE RESOLUTION.

By Senator Cofer:

Whereas, During the illness of the late Senator C. C. Stokes, the Senate secured the services of Dr. J. W. McLaughlin, Jr., to attend upon Senator Stokes, and for such services and for his care and comfort at the Seton Infirmary, and indebtedness of fifty-three dollars has been incurred; and

Whereas, Senator Stokes became ill while in the performance of his duty as a member of the Senate, then in session, and it was proper that the Senate should do everything it could to add to his comfort during his last illness, and said obligation is a just and reasonable charge; therefore be it

Resolved by the Senate, That said accounts of Dr. J. W. McLaughlin, Jr., and Seton Infirmary be paid out of the contingent funds of the Senate, and that the officers of the Senate be directed to issue warrants therefor.

TERRELL of Bowie,
COFER,
MEACHUM,
HUDSPETH,
HOLSEY,
WARD,
PEELER,
TERRELL of Wise,
RATLIFF,
HARPER,
MURRAY,
BRACHFIELD.

The resolution was read and adopted.

IN COMMITTEE OF THE WHOLE.

Action recurred on Senate bill No. 10, and on motion of Senator Weinert, the Senate resolved itself into a Committee of the Whole to further consider same.

IN THE SENATE.

FOURTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 30, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

Senate bill No. 11, A bill to be entitled "An Act to amend an act entitled 'An Act to authorize Galveston county to build and own the combination roadway and bridge from mainland to Galveston island, across Galveston bay, to connect, as part of the roadways of the county on the island and mainland and the county; to issue bonds for same on taxation; also establishing three-mile limit and condemnation proceedings and providing for the right of way; also to authorize all corporations contracting for right of way upon or use of said structure to issue and sell bonds therefor under the regulations and authority of the Railroad Commission, and to lease and authorize corporations and the city of Galveston to lease right of easement of user of portion of said structure from such county on terms provided by this act and agreed on with the county commissioners court, with an emergency clause;' approved March 16, 1907, being Chapter 26 of the Special Laws passed at the Regular Session of the Thirtieth Legislature, by adding thereto Sections 1a and 1b, authorizing the commissioners court of said county to issue, for the purpose mentioned in said act, bonds of the county bearing interest at a rate not exceeding 6 per cent per annum and to levy and collect an additional annual ad valorem tax to pay interest and create a sinking fund on said bonds, provided that a majority of the qualified property taxpaying voters of the county voting at an election to be held for that purpose shall vote such tax, not to exceed 15 cents on the \$100 valuation of property subject to taxation in said county, and providing for the sale of such bonds and for the cancellation or sale of bonds heretofore issued by said

commissioners court under said act, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

IN THE COMMITTEE OF THE WHOLE.

Action recurred on Senate bill No. 10, and on motion of Senator Weinert, the Senate resolved itself into a Committee of the Whole to consider the bill.

IN THE SENATE.

(President Pro Tem. Senter presiding.)

BILLS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, after their captions had been read, the following bills:

House bill No. 8, "An Act to require persons, firms, corporations, and associations of persons engaged in compressing cotton in this State to so bind and tie all bales of cotton so that no bale of cotton by them compressed, recompressed, baled or rebaled, shall be delivered to any railroad company or other common carrier unless the same is free from dangerously exposed ends of bands or any exposed or any obtruding dangerous part of the ties, bands, buckles or splices used in tying or baling such bale of cotton; and to provide penalties therefor; and prescribing the duties of the Commissioner of Labor, and making an appropriation for the Bureau of Labor Statistics, and providing for annual accounting by said Commissioner of Labor, and declaring an emergency."

House bill No. 14, "An Act to make an appropriation for one clerk for the Commissioner of Pensions for the year ending December 31, 1910, and declaring an emergency."

ADJOURNMENT.

On motion of Senator Perkins, the Senate, at 6 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, August 30, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 11, A bill to be entitled "An Act to amend an act entitled 'An Act to authorize Galveston county to build and own the combination roadway and bridge from mainland to Galveston Island across Galveston Bay, to connect, as part of the roadways of the county on the island and mainland and the county to issue bonds for same on taxation; also establishing three-mile limit and condemnation proceedings, and providing for the right of way; also to authorize all corporations contracting for right of way upon or use of said structure to issue and sell bonds therefor under the regulation and authority of the Railroad Commission; and to lease and authorize corporations and the city of Galveston to lease right of easement of user of portion of said structure from such county on terms provided by this act and agreed on with the county commissioners court, with an emergency clause,' approved March 16, 1907, being Chapter 26 of the Special Laws passed at the Regular Session of the Thirtieth Legislature, by adding thereto Sections 1a and 1b, authorizing the commissioners court of said county to issue, for the purpose mentioned in said act, bonds of the county bearing interest at a rate not exceeding 6 per cent per annum and to levy and collect an additional annual ad valorem tax to pay interest and create a sinking fund on said bonds, provided that a majority of the qualified property tax paying voters of the county voting at an election to be held for that purpose shall vote such tax, not to exceed 15 cents on the \$100 valuation of property subject to taxation in said county, and providing for the sale of such bonds and for the cancellation or sale of bonds heretofore issued by said commissioners court under said act, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,
Austin, Texas, August 30, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared Senate Concurrent Resolution No. 2, same being sine die resolution, and find the same correctly engrossed.

WARD, Chairman.

(Floor Report.)

Austin, Texas, August 29, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 11, A bill to be entitled "An Act to amend an act entitled 'An Act to authorize Galveston county to build and own the combination roadway and bridge, from mainland to Galveston Island, across Galveston Bay, to connect, as part of the roadways of the county on the island and mainland and the county issue bonds for same on taxation; also establishing three-mile limit and condemnation proceedings and providing for the right of way; also to authorize all corporations contracting for right of way upon or use of said structure to issue and sell bonds therefor under the regulation and authority of the Railroad Commission; and to lease and authorize corporations and the city of Galveston to lease right of easement of user of portion of said structure from such county on terms provided by this act and agreed on with the county commissioners court, with an emergency clause,' approved March 16, 1907, being Chapter 26 of the Special Laws passed at the Regular Session of the Thirtieth Legislature, by adding thereto Sections 1a and 1b, authorizing the commissioners court of said county to issue, for the purpose mentioned in said act, bonds of the county bearing interest at a rate not exceeding 6 per cent per annum and to levy and collect an additional annual ad valorem tax to pay interest and create a sinking fund on said bonds, provided that a majority of the qualified property tax paying voters of the county voting at an election to be held for that purpose shall vote such tax, not to exceed 15 cents on the \$100 valuation of property subject to taxation in said county, and providing for the sale of such bonds and for the cancel-

lation or sale of bonds heretofore issued by said commissioners court under said act, and declaring an emergency."

Have had same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

Greer, Chairman; Paulus, Murray, Perkins, Terrell of McLennan, Peeler, Veale, Senter, Mayfield.

(Majority Report.)

Committee Room,

Austin, Texas, August 30, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

Senate Concurrent Resolution No. 2:

Be it resolved by the Senate, the House concurring, That the Fourth Called Session of the Thirty-first Legislature shall stand adjourned sine die at 12 o'clock noon, Saturday, September 3, 1910.

Have had the same under consideration and beg to report it back to the Senate with the recommendation that it do not pass.

PEELER, Chairman.

(Minority Report.)

Committee Room.

Austin, Texas, August 30, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: A minority of your Committee on State Affairs, to whom was referred

Senate Concurrent Resolution No. 2:

Be it resolved by the Senate, the House concurring, That the Fourth Called Session of the Thirty-first Legislature shall adjourn sine die at 12 o'clock noon, Saturday, September 3, 1910.

Have had same under consideration and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

PERKINS,
HUME.

ELEVENTH DAY.

Senate Chamber,
Austin, Texas,

Wednesday, August 31, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.